

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Fidencio Arispe and  
Martina Arispse

CASE NO. 05-1359 RHK/JSW

PLAINTIFFS,

vs.

**COMPLAINT**

Processing Technologies Inc.

**Demand for Jury Trial**

DEFENDANT.

**I. INTRODUCTION**

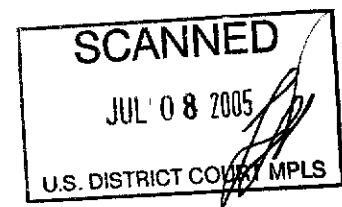
Fidencio Arispe, by and through his undersigned counsel, hereby bring this Complaint against Processing Technologies Inc. Processing Technologies Inc. manufactured, distributed, and sold a defective ram housing/chute on a Trident Series Model 6000 Extruder which injured Mr. Arispe on August 6, 2001.

**II. PARTIES**

1. Plaintiff Fidencio Arispe is a resident of Blooming Prairie, Minnesota.
2. Defendant Processing Technologies Inc., is an Illinois corporation with its principal place of business as 2655 White Oak Circle, Aurora, Illinois.

**III. JURISDICTION AND VENUE**

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiff and Defendants, and because the amount in controversy exceeds \$75,000, exclusive of interest and costs.
4. Venue in this Court is proper pursuant to 28 U.S.C. § 1391 in that Defendants do business in District of Minnesota, Plaintiff resides in Minnesota, and a substantial part of the events giving rise to this claim occurred in Minnesota.



**IV. CLAIMS FOR RELIEF**

**COUNT ONE**  
**STRICT LIABILITY**

5. That based upon information and belief, defendant Processing Technologies Inc. is a corporation duly organized and existing under the laws of the State of Illinois and is conducting business in the State of Minnesota.

6. That based upon information and belief, at some time prior to August 6, 2000, Processing Technologies Inc. manufactured a defective ram housing/chute that was shipped to the State of Minnesota by Processing Technologies Inc. and sold to Poly Plastics Inc., for use at Poly Plastics Inc.

7. That the defective ram housing/chute was distributed and sold by defendants without substantial change to any part of the whole thereof from the time it was distributed and sold by defendants, and each of them, and no such change was expected, contemplated, or planned by defendants; that the Ram housing/chute reached Poly Plastics Inc., as intended by the defendants.

8. That prior to August 6, 2001, there was no substantial change to any part of the ram housing/chute by the plaintiff and that the equipment was utilized in the manner and realm of foreseeable uses contemplated by defendants.

9. That the ram housing/chute manufactured by defendant Processing Technologies Inc. was defective when designed, manufactured, and marketed by the defendants, and each of them; that defendants caused to be placed on the market a product in a defective condition that was unsafe for its intended use and unreasonably dangerous to the plaintiff herein.

10. That on or about August 6, 2001, plaintiff Fidencio Arispe was severely injured as a direct and proximate result of the aforesaid defects, said injuries being to his mind and body, some of which injuries are of a permanent nature and have caused, and will in the future cause, plaintiff to suffer mental and physical pain, suffering, mental distress, embarrassment, disfigurement and disability; that plaintiff has incurred a loss of earnings and a reduction of earning capacity; that plaintiff has incurred and will in the future incur, medical expenses, the exact amount of which cannot be fully ascertained at this time; all to

plaintiff's damages in a reasonable amount of in excess of Seventy-Five Thousand and no/100 Dollars (\$75,000.00).

**COUNT TWO**  
**NEGLIGENCE**

11. Plaintiff, as and for his second claim herein, reasserts and realleges each and every allegation, matter and thing in Count One with the same force and effect as if set forth at length and in detail herein, and further state and alleges as follows:

12. That defendants owed plaintiff a duty of due care in the design, manufacture, assembly, inspection, testing, advertising, instruction of use of the aforementioned ram housing/chute; that defendants were negligent in the performance of the aforementioned duties.

13. That as a direct and proximate result of the defendants' negligence, plaintiff sustained injuries and damages as a more fully alleged in Count One.

14. That as a result of the injuries sustained by plaintiff Fidencio Arispe, plaintiff Martina Arispe lost the services, society, and companionship of Fidencio Arispe and was otherwise damaged in a reasonable amount in excess of Seventy-Five and no/100 Dollars (\$75,000.00).

**PRAYER FOR RELIEF**

WHEREFORE, plaintiff prays for judgement against the defendants and award the following relief:

1. Compensatory damages in excess of \$75,000;
2. Prejudgment and post judgment interest on all damages as allowed by law;
3. Costs, including expert witness fees and attorneys fees and expenses, and all costs incurred in the prosecution of this action; and
4. Such other and further relief as the Court deems just and equitable.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all claims so triable in this action.

Dated: 6-24, 2005.

MESHBESHER & SPENCE, LTD.

By 

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MINNEAPOLIS, MN

June 30, 2005

Clerk of Court  
United States District Court  
202 U. S. Courthouse  
300 South Fourth Street  
Minneapolis, MN55415

RE: Arispe vs. Processing Technologies Inc.

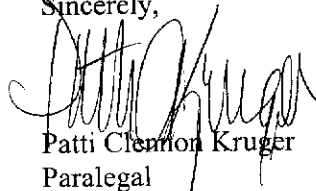
Dear Sir or Madam:

Enclosed herewith for filing please find the original and one copy of the following documents in regard to the above-referenced matter:

1. Civil Cover Sheet
2. Summons in a Civil Case
3. Complaint - Demand for Jury Trial

Also enclosed is our firm's check in the amount of \$250.00 for filing fees. Should you have any questions, please contact our office.

Sincerely,

  
Patti Clennon Kruger  
Paralegal

PCK/  
enc.